

Appendix VI.

The recommendations by the Roundtable raised several points of concern including:

- 1) What constitutes "properly designed open space developments"?
- 2) Does the JCC Cluster Ordinance "as is" and applied in a "by-right" manner encourage and support "properly designed open space developments" in the County?
- 3) Will the current ordinance ensure that the character of existing conventional R-1 subdivisions is protected if open space development is allowed "by-right" in R-1?
- 4) Is the current approval process (because of either time requirements or complexity) a disincentive for "open space development"?
- 5) Does the current approval process/ordinance provide adequate incentives to ensure additional environmental protection is incorporated into proposed development?
- 6) What other incentives will encourage applicants to utilize the open space development techniques and ensure additional environmental protection?

This committee reviewed a number of documents and open space development ordinances from other jurisdictions to determine what constitutes "properly designed open space development" and how to ensure proper application of this development technique to ensure optimum results. Base on this review, the committee has several observations regarding the open space development concept versus the JCC Cluster Ordinance.

- 1) Conceptually, in terms of design hierarchy, clustering is considered one possible open space design option whereas; the JCC Cluster Ordinance establishes "open space development" as a cluster option.
- 2) Unlike conventional subdivision design, the first step in the open space design process is site analysis that identifies critical environmental, historical, and cultural site features and characteristics and guides site design.
- 3) The environmental benefits derived from the open space development techniques are maximized if stormwater management is integrated into the very core of site design rather than an afterthought in the design process.
- 4) Simply making open space development by right either via the cluster option or within the R-1 ordinance is unlikely to provide enough incentive to achieve the goals and objectives of Principle 10.

In conclusion, the committee has determined that the current JCC Cluster Overlay District should be amended to ensure "properly designed" open space developments,

include adequate provisions to protect the character of existing conventional subdivisions, and include adequate incentives to promote the use of open space development techniques (either via by-right or SUP process).

However, this committee determined that Cluster Ordinance revisions are outside the scope of this committee's designated tasks because no such action is contained in the language of the original consensus document. Therefore, the committee recommends that Planning Commission and Board of Supervisors re-examine and evaluate the Cluster Overlay Ordinance and the R-1 Ordinance and revise either or both ordinances.

The following are provided for consideration during the amendment process:

- A) Definitions - In order to ensure proper application of open space development principles, the County should define and provide guidance regarding the following terms utilized in Article VI, Division 1:
 - i) Identify the "Principles of open space development design"
 - ii) Define or identify what is considered "usable and meaningful open space"
 - iii) Define what constitutes "unusual or extraordinary environmental protection" - linking these requirements to innovative stormwater management plans, natural resource protection, low impact development techniques, better site design techniques, etc.
 - iv) "Developable area" should not include land that cannot be developed according to state, federal, or county laws. The current definition does not exclude 100-ft RPA buffers that cannot be developed according to the Chesapeake Bay Ordinance.
- B) Cluster/Approval Process - Examine how the process can be expedited; determine whether preliminary conceptual master plans should be required or strongly encouraged in the ordinance; require applicants to conduct site analyses prior to conceptual plan development and incorporate primary conservation features into the preliminary conceptual plan; have applicants demonstrate during the conceptual master plan approval process how open spaces relate to environmental benefits.
- C) Open Space Requirements - Examine whether the percentage of open space required is appropriate. Most documents reviewed suggest that a properly designed open space development requires a minimum of 50% of land to be set aside as undisturbed, natural open space. The open space characteristics are critical factors associated with the effectiveness of stormwater management, habitat preservation, etc.
- D) Density - Examine how density is calculated and whether the calculation should start with a net or gross calculation. This concept is linked to the developable area concept. How to calculate density bonuses, preservation of property development

rights, protecting the character of adjacent conventional subdivisions, and the disincentive to open space development if not handled correctly.

- E) Incentives versus disincentives - Examine whether the current ordinance provides sufficient incentives or represents disincentives to developers, particularly in a by-right scenario.
- F) Open Space Design Guidelines - The Committee recommends that the County develop a companion document that describes the open space design process, provides examples of the different development options such as varying the lot sizes within a development, and provides clear guidance on what features should be considered for conservation in open space areas, as well as examples of how stormwater management can be incorporated into the design process.
- G) Coordination/Compatibility with Rural Conservation Cluster Option - The committee acknowledges that some of the recommendations of the Better Site Design consensus document may be implemented because of the current rural lands initiative. The Committee would recommend that whatever action may be taken with regard to the Cluster Overlay District be coordinated and compatible with any ordinance changes that may result from this initiative.
- H) Education of and Marketing to Stakeholders - Once a design guideline document is developed, the committee recommends that a one-day education workshop should be conducted which is co-sponsored by the County and The Peninsula Home Builders to educate developers, staff and other stakeholders on the Open Space Development benefits and design techniques.